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Docket No.: 58799-042

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
Kouichirou NISHIMURA, et al.	:	Confirmation Number: 1851
Application No.: 09/812,694	:	Group Art Unit: 2634
Filed: March 21, 2001	:	Allowed: February 11, 2005
	:	Examiner: C. B. Odom
For: ADAPTIVE EQUALIZER CIRCUIT	:	

**COMMENTS RESPONSIVE TO STATEMENT OF  
REASONS FOR ALLOWANCE  
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The February 11, 2005 Notice of Allowability regarding the above-identified application included a Statement of Reasons for Allowance.

Applicants have addressed patentability in the November 1, 2004 response. Entry of Statement of Reasons for Allowance into the record of this application should not be construed as any agreement with or acquiescence by Applicants in the stated reasoning, particularly to the extent if any that the Statement may differ from the actual claim language and/or Applicants' positions on patentability.

Also, the Statement sets forth a single rationale for patentability with respect to all of the allowed claims. However, the wording in the Statement does not precisely correspond to the language of any one of the allowed claims and completely overlooks differences among the allowed claims. For example, the Statement mentions that "a reference value used in the


arithmetic operation is changed corresponding to a change of threshold values at the time of digitizing the output of the adaptive equalizer.” A change of a reference value is mentioned in the last two lines of independent claim 8, but the wording in the claim is somewhat different from that in the Statement. Also, there is no corresponding citation to any “reference value” in the other independent claim (claim 1). The change of a reference value is not relevant to the patentability of claim 1. Each claim should be independently patentable in its own right, not just for the one reason suggested by the Statement.

It is respectfully submitted that the allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants’ prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George  
Registration No. 34,111

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**Date: March 9, 2005**

**Please recognize our Customer No. 20277  
as our correspondence address.**



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**WRITTEN REPLY PROVIDING STATEMENT  
OF SUBSTANCE OF INTERVIEW**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The February 11, 2005 Notice of Allowability included an Interview Summary form, which set a one-month period for a written reply containing a statement of the substance of the January 27, 2005 telephone interview. The required statement follows.

In the interview, the Examiner and Applicants' representative only discussed minor points in several of the claims (originally numbered 1, 2, 4 and 8), which the Examiner felt were informal or indefinite. For example, the Examiner recommended using the phrase "an improvement" at the beginning of the second paragraph of each of the independent claims (1 and 8) instead of the phrase "the improvement." Applicants' representative authorized the Examiner to make the minor revisions by Examiner's amendment.

09/812,694

The Examiner generally indicated that all of the pending claims would be allowable, although there was no discussion of any specific issue relating to patentability. The agreed changes should not narrow the scope of any amended claim.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George", written in a cursive style.

Keith E. George  
Registration No. 34,111

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